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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

No. 3:21-cr-00172-MO-1

Plaintiff,

v.

**DEFENDANT'S UNOPPOSED
MOTION TO CONTINUE
TRIAL DATE**

JORGE ROSALES,

Defendant.

Defendant Jorge Rosales, through his attorney, Francesca Freccero, moves this Court to continue the trial in the above-entitled case, which is presently scheduled for March 28, 2022, for a period of approximately 120 days to July 25, 2022, or a date thereafter convenient to the Court. This motion is made based on the need for time to further investigate the case, to conduct research, and consult with Mr. Rosales and the government regarding his case.

The defense did not have discovery materials at the time of the first motion to continue trial; the government has since provided discovery but not all of it has been reviewed by Mr. Rosales, because, until February 2, 2022, during all the time that Mr. Rosales has been in custody at FDC Sheridan, professional visits have been available only during approximately two weeks because of the intermittent lockdowns because of COVID19. Mr. Rosales was moved to FDC Sheridan from the Multnomah County jail shortly after his first motion to continue the jury-trial date. Accordingly, more time than is typical has been required to permit Mr. Rosales to visit with his defense team at the prison. In addition, preparation for any potential plea discussions requires time to have in-person professional visits with Mr. Rosales not only by defense counsel but also by any forensic professionals who might work on his case. That is another reason that additional time is required.

Undersigned counsel discussed the instant motion with Assistant United States Attorney Gary Sussman by telephone several weeks ago and again inquired last week and on the date below. The government has not indicated that it has any objection to the requested continuance.

Mr. Rosales previously waived time for trial. Undersigned counsel specifically discussed the instant motion with Mr. Rosales, and he requests the postponement. If this matter is continued, the time between the current

trial date and July 25, 2022, will be excludable delay pursuant to Title 18, United States Code, Section 3161(h)(7)(A). The ends of justice served by granting this motion outweigh the best interests of the public and Mr. Rosales in a speedy trial because the additional time is necessary to afford Mr. Rosales the opportunity to review discovery, investigate the case, conduct research, consult with counsel, and otherwise prepare his defense.

As noted above, Mr. Rosales acknowledges his right to a speedy trial under the Speedy Trial Act and agrees that this motion will result in excludable delay under the Act.

Respectfully submitted on March 14, 2022.

/s/ *Francesca Freccero*
Francesca Freccero
Attorney for Defendant